

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

Revised 05/01 WDNV

Melisse General

Jury Trial Demanded: Yes ☒ No ☐

Name(s) of Plaintiff or Plaintiffs

Center for Disability Rights ^{vs} DISCRIMINATION COMPLAINT

-CV- _____

Name of Defendant or Defendants

07 CV 6159 T(Fe)

☒ This action is brought for discrimination in employment pursuant to (check only those that apply):

Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (amended in 1972, 1978 and by the Civil Rights Act of 1991, Pub.L.No. 102-166) (race, color, gender, religion, national origin).

NOTE: In order to bring suit in federal district court under Title VII, you **must first obtain a right to sue letter** from the Equal Employment Opportunity Commission.

Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621-634 (amended in 1984, 1990, and by the Age Discrimination in Employment Amendments of 1986, Pub.L.No. 99-592, the Civil Rights Act of 1991, Pub.L.No. 102-166).

NOTE: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you **must first file charges** with the Equal Employment Opportunity Commission.

Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112-12117 (amended by the Civil Rights Act of 1991, Pub.L.No. 102-166).

NOTE: In order to bring suit in federal district court under the Americans with Disabilities Act, you **must first obtain a right to sue letter** from the Equal Employment Opportunity Commission.

JURISDICTION is specifically conferred upon this United States District Court by the aforementioned statutes, as well as 28 U.S.C. §§ 1331, 1343. Jurisdiction may also be appropriate under 42 U.S.C. §§ 1981, 1983 and 1985(3), as amended by the Civil Rights Act of 1991, Pub.L.No. 102-166, and any related claims under New York law.

1. My address is: 65 Rustic St
Rochester NY 14609

My telephone number is: 585 - 266 - 0156

2. The name of the employer(s), labor organization, employment agency, apprenticeship committee, state or local government agency who I believe discriminated against me is/are as follows:

Name: _____

Number of employees: _____

Address: _____

Center for Disability Rights
472 State Street
Roch, NY 14621

3. (If different than the above), the name and/or the address of the defendant with whom I sought employment, was employed by, received my paycheck from or whom I believed also controlled the terms and conditions under which I were paid or worked. (For example, you worked for a subsidiary of a larger company and that larger company set personnel policies and issued you your paycheck).

Name: _____

Address: _____

4. I was first employed by the defendant on (date): 5-1-01

5. As nearly as possible, the date when the first alleged discriminatory act occurred is: 9-26-04

6. As nearly as possible, the date(s) when subsequent acts of discrimination occurred (if any did): _____

7. I believe that the defendant(s)

a. ☒ Are still committing these acts against me.

b. ☐ Are not still committing these acts against me.

(Complete this next item **only** if you checked "b" above) The last discriminatory act against me occurred on (date) _____

8. (Complete this section **only** if you filed a complaint with the New York State Division of Human Rights)

The date when I filed a complaint with the New York State Division of Human Rights is

11-05-04
 (estimate the date, if necessary)

I filed that complaint in (identify the city and state): NYC

The Complaint Number was:

105 2005 00029

9. The New York State Human Rights Commission did _____ /did not _____ issue a decision. (**NOTE:** If it **did** issue a decision, you **must attach** one copy of the decision to **each** copy of the complaint; failure to do so will delay the initiation of your case.)
10. The date (if necessary, estimate the date as accurately as possible) I filed charges with the Equal Employment Opportunity Commission (EEOC) regarding defendant's alleged discriminatory conduct is: _____
11. The Equal Employment Opportunity Commission did _____ /did not _____ issue a decision. (**NOTE:** If it **did** issue a decision, you **must attach** one copy of the decision to **each** copy of the complaint; failure to do so will delay the initiation of your case.)
12. The Equal Employment Opportunity Commission issued the attached Notice of Right to Sue letter which I received on: _____. (**NOTE:** If it **did** issue a Right to Sue letter, you **must attach** one copy of the decision to **each** copy of the complaint; failure to do so will delay the initiation of your case.)
13. I am complaining in this action of the following types of actions by the defendants:
- a. ☒ Failure to provide me with reasonable accommodations to the application process
 - b. ☒ Failure to employ me
 - c. ☒ Termination of my employment
 - d. ☒ Failure to promote me
 - e. ☒ Failure to provide me with reasonable accommodations so I can perform the essential functions of my job
 - f. ☒ Harassment on the basis of my sex
 - g. ☒ Harassment on the basis of unequal terms and conditions of my employment
 - h. _____ Retaliation because I complained about discrimination or harassment directed toward me
 - i. _____ Retaliation because I complained about discrimination or harassment directed toward others
 - j. _____ Other actions (please describe) _____

14. Defendant's conduct is discriminatory with respect to which of the following (*check all that apply*):

a. _____ Race

f. _____ Sexual Harassment

b. _____ Color

g. _____ Age

_____ Date of birth

c. Sex

h. Disability

Are you incorrectly perceived as being disabled by your employer?

_____ yes _____ no

d. _____ Religion

e. National Origin

15. I believe that I was not **intentionally** discriminated against by the defendant(s).

16. I believe that the defendant(s) is/are _____ is not/are not _____ still committing these acts against me. (If you answer is that the acts are not still being committed, state when: _____ and why the defendant(s) stopped committing these acts against you: _____)

17. A copy of the charge to the Equal Employment Opportunity Commission is attached to this complaint and is submitted as a brief statement of the facts of my claim. (NOTE: You **must** attach a copy of the **original complaint** you filed with the Equal Employment Opportunity Commission and a copy of the **Equal Employment Opportunity Commission affidavit** to this complaint; failure to do so will delay initiation of your case.)

18. The Equal Employment Opportunity Commission (*check one*):

1 **has not** issued a Right to sue letter

 has issued a Right to sue letter, which I received on

Dec 28, 2007

19. State here as briefly as possible the *facts* of your case. Describe how each defendant is involved, including *dates* and *places*. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. (*Use as much space as you need. Attach extra sheets if necessary.*)

FOR LITIGANTS ALLEGING AGE DISCRIMINATION

20. Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding defendant's alleged discriminatory conduct
_____ 60 days or more have elapsed X less than 60 days have elapsed

FOR LITIGANTS ALLEGING AN AMERICANS WITH DISABILITIES ACT CLAIM

21. I first disclosed my disability to my employer (or my employer first became aware of my disability on _____
22. The date on which I first asked my employer for reasonable accommodation of my disability is _____
23. The reasonable accommodations for my disability (if any) that my employer provided to me are: _____

24. The reasonable accommodation provided to me by my employer were ____/were not ____ effective.

WHEREFORE, I respectfully request this Court to grant me such relief as may be appropriate, including injunctive orders, damages, costs and attorney's fees.

Dated: 3-21-07 [Signature]
Plaintiff's Signature

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

NOTICE OF RIGHT TO SUE
(CONCILIATION FAILURE)To: **Melissa General**
307 Avenue A
Rochester, NY 14621From: **Buffalo Local Office - 525**
6 Fountain Plaza
Suite 350
Buffalo, NY 14202On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

165-2005-00029

John E. Thompson,
Investigator

(716) 551-4441

TO THE PERSON AGGRIEVED:

This notice concludes the EEOC's processing of the above-numbered charge. The EEOC found reasonable cause to believe that violations of the statute(s) occurred with respect to some or all of the matters alleged in the charge but could not obtain a settlement with the Respondent that would provide relief for you. In addition, the EEOC has decided that it will not bring suit against the Respondent at this time based on this charge and will close its file in this case. This does not mean that the EEOC is certifying that the Respondent is in compliance with the law, or that the EEOC will not sue the Respondent later or intervene later in your lawsuit if you decide to sue on your own behalf.

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, and/or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission

Enclosures(s)


Elizabeth Cadle,
Director
DEC 21 2006

(Date Mailed)

CC: **Mary Willoughby**
Human Resource Manager
CENTER FOR DISABILITY RIGHTS
412 State Street
Rochester, NY 14621

Matthew Fusco, Esq.
Chamberlain, D'Amanda, Oppenheimer & Greenfiled LLP
1600 Crossroads Building
Two State Street
Rochester, NY 14614



Elizabeth Cadle
Director

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Buffalo Local Office

6 Fountain Plaza, Suite 350
Buffalo, NY 14202
(716) 551-4441
TTY (716) 551-5923
FAX (716) 551-4387

Melissa General
307 Avenue A
Rochester, New York 14621

Re: Charge No. 165-2005-00029
General v. Center for Disability Rights

Dear Ms. General:

The Commission has determined that it will not bring a lawsuit against the above named Respondent. The issuance of the enclosed Notice of Right to Sue under Title VII of the Civil Rights Act of 1964, as amended concludes the processing of your charge by the Commission. If you decide to sue, you must file a lawsuit in Federal Court within 90 days of receipt of this letter and Notice of Right to Sue.

If you file suit, please forward a copy your court complaint to this office within 10 days. We can then preserve your file and consider your suit when taking other actions. If you have any questions regarding the legal remedies available to you as set out above, please contact the EEOC representative listed in he enclosed Notice of Right to Sue..

Date: **DEC 21 2006**

On Behalf of the Commission:

A handwritten signature in black ink, appearing to read "Elizabeth Cadle", is written over the typed name and title.

Elizabeth Cadle, Director
Buffalo Local Office

Enclosure: Notice of Right to Sue